IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14438 of 2003

Between:

1 K.N. Dasaradha Ramaiah, S/o. Narasimhaiah
R/o. Balpanuru Village & Post, Simhadripura Mandal,
Cuddapah District
2 Chavva Kamalakara Reddy, S/o. Erikala Reddy,
R/o. Kondapuram Village & Mandal, Cuddapah district.
3 Gajjala Narayana Reddy, S/o. Aswarthanarayana Reddy,
R/o. Simhadripura Mandal,
Cuddapah District
4 Devireddy Sarwewara Reddy, s/o. Narayana Reddy,
R/o. Simhadripura Mandal,
Cuddapah District
5 Pappu Nagaraja Rao, s/o. Krihshna Murthy
R/o. Simhadripura Mandal,
Cuddapah District
6 Gajjala Sudershan Reddy, s/o. Harinatha Reddy,
R/o. Simhadripura Mandal,
Cuddapah District

..... PETITIONERS

AND

1 The Govt. of Andhra Pradesh,Co-Operation Department,Rep by its Secretary,
Secretariat, Hyderabad.
2 The Commissioner of Co-Operation and Registrar of Co-Operative Societies,
Nampally, Hyderabad.
3 The District Co-Operative Central Bank Ltd.Rep.by its General
Manager,Cuddapah
Cuddapah District.
4 The District Co-Operative Officer, Cuddapah,
Cuddapah District.

5 The Divisional Co-Operative Officer, Proddatur,
Cuddapah District.
6 The Ankallamma Gudur PACS, Rep. by its Chairperson,
Ankallama Gudur,Simhadripuram Village & Mandal, Cuddapah Disrtict.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the Respondents to pay salaries to the Petitioners without reference to Sec. 116-C of the Act, and pass such other order

Counsel for the Petitioner :MR.G.DASARADHA RAMI REDDY

Counsel for the Respondent Nos. 1,2,4,5: GP FOR COOPERATION

Counsel for the Respondent No.3 SMT.KAVITHA GOTTIPATI, Advocate.

Counsel for the respondent No.6: --None--

The Court made the following :

Oral order:

Petitioners are employees of the 6th respondent-PACS. They are aggrieved that payment of salaries have been discontinued since April, 2003. They admit that the financial position of the 6th respondent-PACS does not enable payment of salaries

to its employees within the financial discipline and limits imposed by Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). The petitioners did not either plead or establish that the 6th respondent-PACS is a State within the meaning of Article 12 of the Constitution of India. The petitioners have also not shown any liability on the part of the State Government to pay them salaries.

In the above circumstances, neither is the writ petition maintainable nor could any relief be granted to the petitioners, on merits. The writ petition is, accordingly, dismissed. The petitioners are, however, entitled to pursue available alternative remedy, in accordance with law. No costs.

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GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, Govt. of Andhra Pradesh, Co-Operation Department, Secretariat, Hyderabad.

2 The Commissioner of Co-Operation and Registrar of Co-Operative Societies, Nampally, Hyderabad.
3 The General Manager, District Co-Operative Central Bank Ltd. Cuddapah Cuddapah District.
4 The District Co-Operative Officer, Cuddapah, Cuddapah District.
5 The Divisional Co-Operative Officer, Proddatur, Cuddapah District.
6 The Chairperson, Ankallamma Gudur PACS, Ankallama Gudur,Simhadripuram Village & Mandal, Cuddapah Disrtict.

7.2CCs to learned Government Pleader for Co-operation, High Court Buildings, Hyderabad (OUT).

8.2CD copies